

State of Wisconsin



2011 Senate Bill 253

Date of enactment: **December 7, 2011**
Date of publication*: **December 20, 2011**

2011 WISCONSIN ACT 103

AN ACT *to repeal* 292.15 (4); *to amend* 20.370 (2) (dh), 292.15 (2) (a) 2., 292.15 (5), 292.15 (7) (d) and 292.15 (7) (e); and *to create* 289.31 (10) and 292.15 (2) (av) of the statutes; **relating to**: the liability of certain persons for environmental contamination on property on which a cleanup has been conducted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.370 (2) (dh) of the statutes is amended to read:

20.370 (2) (dh) *Solid waste management — remediated property.* All moneys received under ss. 292.11 (7) (d) 2., 292.13 (3), 292.15 (5), 292.21 (1) (c) 1. d., 292.35 (13), 292.55 (2), 292.57 (2), and 292.94 for the department's activities related to the issuance of determinations under s. 292.13 (2), remedial action cost recovery under s. 292.35, remediation of property under ss. 292.11 (7) (d), 292.15 (2) and (4), 292.55 (1), and 292.57 and conducting reviews described in s. 292.94.

SECTION 2. 289.31 (10) of the statutes is created to read:

289.31 (10) **VOLUNTARY PARTY CERTIFICATE OF COMPLETION.** When the department issues a certificate of completion under s. 292.15 (2) (a) 3., (ae) 3., or (ag) 2. for all or a portion of a solid waste facility with an operating license under this section, the operating license for the solid waste facility or the portion of the solid waste facility covered by the certificate of completion is terminated.

SECTION 3. 292.15 (2) (a) 2. of the statutes is amended to read:

292.15 (2) (a) 2. ~~Except as provided in sub. (4), the~~ The environment is restored to the extent practicable with

respect to the discharges and the harmful effects from the discharges are minimized in accordance with rules promulgated by the department and any contract entered into under those rules.

SECTION 4. 292.15 (2) (av) of the statutes is created to read:

292.15 (2) (av) *Withdrawal by department.* 1. If at any time after a voluntary party submits an application to obtain an exemption under this section the voluntary party fails to make reasonable progress toward completion of an environmental investigation and environmental restoration of the property identified in the application, the department may withdraw the voluntary party from the process of obtaining an exemption under this section.

2. If a voluntary party fails to provide to the department requested reports or updates on the status of an environmental investigation and environmental restoration of the property identified in the voluntary party's application for one year or longer, the department may request a written status update from the applicant. If the voluntary party does not submit the status update within 60 days or submits a status update that does not show that reasonable progress is being made, the department may withdraw the voluntary party from the process of obtaining an exemption under this section.

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

3. If the department decides to withdraw a voluntary party under this paragraph, the department shall provide a written notice of its decision to the voluntary party and shall return any unused portion of any advance deposit made by the voluntary party, unless otherwise directed by the voluntary party.

4. A voluntary party may not reenter the process of obtaining an exemption under this section after being withdrawn under this paragraph unless the voluntary party pays the fees under sub. (5) and enters into an agreement with the department containing a schedule for conducting the environmental investigation and environmental restoration of the property identified in the voluntary party's application.

SECTION 5. 292.15 (4) of the statutes is repealed.

SECTION 6. 292.15 (5) of the statutes is amended to read:

292.15 (5) FEES. The department may, in accordance with rules that it promulgates, assess and collect fees

from a voluntary party to offset the cost of the department's activities under subs. sub. (2) and (4). The fees may include an advance deposit, from which the department shall return the amount in excess of the cost of the department's activities under subs. sub. (2) and (4).

SECTION 7. 292.15 (7) (d) of the statutes is amended to read:

292.15 (7) (d) A solid waste facility that ~~was licensed under s. 144.44, 1993 stats., or s. 289.31~~ is an approved facility.

SECTION 8. 292.15 (7) (e) of the statutes is amended to read:

292.15 (7) (e) A solid waste facility or waste site at which active remedial operation or treatment is required, including a site or facility where ~~methane or groundwater monitoring or gas, leachate, or groundwater collection or treatment; or active gas extraction~~ is required as all or part of the remedial action.